



CITY OF MILES CITY AGENDA

*Regular Council Meeting
City Council Chambers*

*June 25, 2019
6:00 p.m.*

CALL TO ORDER PLEDGE OF ALLEGIANCE ROLL CALL

1. APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES
 - A. Regular City Council Meeting 6/11/2019
 - B. Finance Committee Meeting 6/10/2019
 - C. Public Service Committee Meeting 6/18/2019
 - D. Human Resource Committee 6/06/2019
2. SCHEDULE MEETINGS
3. REQUEST OF CITIZENS & PUBLIC COMMENT
4. APPOINTMENTS
5. PROCLAMATIONS
6. STAFF REPORTS

Lyne Anderson- Discussion on 9-1-1 Equipment
7. CITY COUNCIL COMMENTS
8. MAYOR COMMENTS
9. COMMITTEE RECOMMENDATIONS
10. BID OPENINGS
11. BID AWARDS
12. PUBLIC HEARINGS
 - A. **ORDINANCE NO. 1335- An Ordinance Amending Chapter 15 of the Code of Ordinances of Miles City, Montana, With Regards to the Enforcement of Nuisances**
13. UNFINISHED BUSINESS
 - A. **ORDINANCE NO. 1335- (Second Reading) An Ordinance Amending Chapter 15 of the Code of Ordinances of Miles City, Montana, With Regards to the Enforcement of Nuisances**
14. NEW BUSINESS
 - A. **Approve Condition Use Permit for Deluxe Motors, Inc to construct a 100 foot Tower at 201 South 7th Street**

- B. **RESOLUTION NO. 4259 –A Resolution Authorizing the City of Miles City to Enter Into an Agreement With the Montana Department of Transportation for Street Sweeping for Fiscal Year 2019-2020**
- C. **Discussion on Major Cuts in General Fund for Fiscal Year 2019-2020**

15. ADJOURNMENT

Public comment on any public matter that is not on the agenda of this meeting can be presented under Request of Citizens, provided it is within the jurisdiction of the City to address. Public comment will be entered into the minutes of this meeting. The City Council cannot take any action on a matter unless notice of the matter has been made on an agenda and an opportunity for public comment has been allowed on the matter. Public matter does not include contested cases and other adjudicative proceedings

Minutes

REGULAR COUNCIL MEETING June 11, 2019
6:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, June 11, 2019, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor John Hollowell called the meeting to order. Council Members present were Dwayne Andrews, Ken Gardner, John Uden, Rick Huber, Jeff Erlenbusch and Susanne Galbraith. Councilpersons Kathy Wilcox and Brant Kassner were excused.

Also present were Public Utilities Director Tom Speelmon, Police Chief Doug Colombik, Fire Chief Branden Stevens, Flood Plain Administrator/Auto Cad/Assistant PWPU Samantha Malenovsky, City Planner in Training Ally Capps, Building Inspector Dennis Hirsch and City Clerk/Minute Recorder Lorrie Pearce.

PLEDGE OF ALLEGIANCE

Mayor Hollowell led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 5/28/2019

****** *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of May 28, 2019, subject to any corrections, and seconded by Councilperson Erlenbusch. The motion passed by unanimous consent, 6-0.*

Finance Committee Minutes: 5/23/2019

****** *Councilperson Andrews moved to approve the minutes of the Finance Committee Meeting of May 23, 2019, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 6-0.*

SCHEDULE MEETINGS

The following meetings will be held in the City Hall Conference Room:

Public Service	Tuesday June 18 th @ 5:30
Budget Meetings	Tuesday thru Thursday June 18-20

REQUEST OF CITIZENS & PUBLIC COMMENT

Lily Cruise- Status of Wibaux Park Fountain Project

Lily Cruise, 908 South Cottage, asked if the Wibaux Park Fountain would be merged with the Splash Pad. She felt if the restoration of the fountain is not the best

thing to do then the City needed to shift gear. Would like to have the City take care of the benches and pavers. She added that there were a lot of names misspelled on the pavers. She felt that the benches that are complete and pavers that have the correct names on them should be placed in the park and then if the project is not feasible, return the donated money to the individuals and move on. The City has the money and the donators have no memorial. She asked why the City needed an architect, it did not seem to be that difficult.

Brandon Janssen, 604 South Center, reported to the residents that the funds from the Splash Pad will not be merged with the fountain project.

Councilperson Erlenbusch said the plumbing is the only thing that will connect the fountain with the splash pad.

Planner Capps said the pavers are being held off until the fountain is completed and the parks crew is completing a couple of benches every few weeks and will be set out this summer.

Sandy Hays, 105 South Stacy, wondered what the hold up is. Is it getting someone that knows what they are doing and she understood that it is also money.

Mark Ahner, 13 South Stacy, said that about a year ago Director Gray told him that Interstate Engineering agreed to write a plan for the fountain at no charge and asked if the City had purchased a pump with the \$500 grant that was awarded. He felt the big hold up on the fountain was getting a bid that is sufficient. If the project can not be completed, stop it and return the money to the donors. He also heard that Stevenson Funeral Home would pay for the pineapple top to the fountain.

Mayor Hollowell explained that the project went out for bid and it was over \$60,000. The project does not have the money to fund the expenses. He said that he would do whatever the donors wanted to do. If they want their money back then it will be return. If they want to continue with the project, then it will continue.

Mrs. Hays, thought if the benches and pavers were set out that would help.

Ms. Cruise was very willing to commit to continue with fund raising and felt that the City needs to keep in contact with the donors. Asked if "Proceeds to the Wibaux Park Fountain" were approved to use on fund raising advertising. Mayor Hollowell told her that it was approved.

Bobbi Askins, 406 South Jordan, has seen a lot of areas around town that need attention. There is a lot on the 300 block in her area that is vacant and the grass was three feet or taller. She filed a complaint and it did get mowed, but they blew the grass in the street and on other sidewalks then left it. She cleaned it up and filled a 20 gallon

can one and a half times of just the grass from the gutters. She is aware that the City has an Ordinance against grass mowed onto the street and felt the City needed to enforce it. While visiting the Cadastral, she found out that the same people own other lots and they all look like crap. She felt dismayed because Forsyth is beautiful, neat and trimmed and would like to see the City of Miles City that way also. She felt that the citizens have lost pride in the City.

Mayor Hollowell agreed that pride has left the City and the Code Enforcer is doing everything that he can, but it is too much for one person.

Stephanie Thomason, 217 South Strevell, remarked on the big pile of grass in the middle of Wibaux Park. She said it was stinky and killing the grass around it. She added that when the City mows the grass in the park that they also leave tons of stuff on the sidewalks. The City needs to follow its own rules.

Mr. Ahner reported that the American Legion is opposed to the dog fountain in Veterans Park. They felt that there was not a need for it because there are not a lot of dogs that are walked in that area. They did not want to make the park a dog attraction and felt that a waste station would need to be installed which would add more work and cost to the City. They felt that the money would be spent better at the Cooke Lake site or replace trees in the areas on Main Street where they have died or install historic lights.

Planner Capps said that the Urban Renewal District was looking at installing the fountain. The plumbing is already there and felt it would be a place where people and or dogs could go to get a drink of water.

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Branden Stevens: Reported that the Battalion Chief position is still open and will be accepting applications until June 14th. A new hire started on June 3rd. Working with MSA representative to save the City a few hundred dollars on SCBA attachments and will update FEMA when completed. Priority dispatching started June 1st and a full review will be done on June 14th. Engine 8 is having more mechanical issues.

Tom Speelmon: Reported that the thermal baffle project was complete and there will be a preconstruction meeting tomorrow on the Darling project and a public meeting tomorrow night. The anticipated start date for the project is July 8th.

CITY COUNCIL COMMENTS

Ken Gardner- Had many issues with the on going clean up around the City. There is

two feet tall grass on Wells Street, which is causing problems with snakes and not seeing them. He also felt that communication needed to be improved on Wibaux Park fountain. **Dwayne Andrews-** Milwaukee Park was mowed but trimming was not complete and the sidewalks were full of grass. Spotted Eagle needed to be cleaned up. These issues go on every year and asked what the Parks Department needed to solve the problem.

John Uden- The Clark Park on Wells Street is never mowed. It is City property and there are neighbor vehicles sitting on it. He agreed that the Wibaux Park fountain is a historic site in Miles City and embarrassed that the City cannot get it going after five years. The residents and donors trusted the City and it just sits with no action to show for the money that has been received. The Council approved the golf course in Milwaukee Park and felt if the City cannot keep it mowed, then there is something wrong with the City.

Jeff Erlenbusch- There had been reasons why the fountain, benches and pavers have not been taken care of. There has been miscommunication and the position that overlooked the project has had personnel issues. With the position filled it is going to take time to get it going again. The biggest issue is the lack of money. He is trying to get on the fair board agenda to discuss having the fourth of July fireworks at the fairgrounds next year.

Rick Huber- Never heard of the \$1,000 donation from Stevenson for the fountain. Felt that the issue on placing the benches and paver was taken care of at tonight's meeting. But the issue should be discussed with the Director and donors and be documented so it can be completed in a timely manner. If the City cannot come up with the money for the fountain then it needs to move on. Wanted to know who was responsible for the misspelled names on the pavers. Would like to see an ad in the paper informing citizens the rules of handling mowed grass in the streets.

MAYOR COMMENTS

None

COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

- A. **RESOLUTION NO. 4254-A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2018-2019 to Increase the Budgeted Amount in Various Funds for Various Unbudgeted Revenues and Expenditures**

Mayor Hollowell called for comments from proponents three times, then opponents three times and, hearing none, the hearing was closed.

UNFINISHED BUSINESS

A. RESOLUTION NO. 4248- A Resolution approving the request for Release of Airport Property

****** *Councilperson Galbraith moved to approve the Resolution, read by title only and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4248 passed*

B. RESOLUTION NO. 4254-A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2018-2019 to Increase the Budgeted Amount in Various Funds for Various Unbudgeted Revenues and Expenditures

****** *Councilperson Galbraith moved to approve the Resolution, read by title only and add line number 15 to increase appropriations for fund 2440-050-430263-230 to fund unanticipated expenses for repairs, seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4254 passed*

NEW BUSINESS

A. RESOLUTION NO. 4250- A Resolution Approving a Park Use Permit Between the City of Miles City, Montana, and Miles Community College for use of Bender Park Field #3

****** *Councilperson Uden moved to approve the Resolution, read by title only and seconded by Councilperson Huber. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4250 passed*

B. Approval to Proceed With the Dugout for Softball Field #3 at Bender Park

****** *Councilperson Andrews moved to proceed with the dugout for softball field number three at Bender Park, and seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent, 6-0.*

C. RESOLUTION NO. 4251- A Resolution Authorizing the City of Miles City to Contract With Dennis Hirsch for Building Inspection Services for Fiscal Year 2019-2020

- **** *Councilperson Galbraith moved to approve the Resolution, read by title only and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4251 passed*
- D. RESOLUTION NO. 4255- A Resolution Adopting a Revised Purchasing Policy for the City of Miles City, Montana**
- **** *Councilperson Erlenbusch moved to approve the Resolution, read by title only and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4255 passed*
- E. ORDINANCE NO. 1335- (First Reading) An Ordinance Amending Chapter 15 of the Code of Ordinances of Miles City, Montana, With Regards to the Enforcement of Nuisance**
- **** *Councilperson Gardner moved to approve the Ordinance, read by title only and seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent, 6-0. Ordinance No. 1335 passed first reading and referred to Public Safety Committee*
- F. RESOLUTION NO. 4256- A Resolution Adopting Findings of Fact and Approving the Amended Plat and Subdivision Exemptions for the Purpose of Boundary Line Relocations and Aggregation of Lots Involving Tract C-1, Tract C-2 and Tract C-3 of Vision Enterprises Major Subdivision Plat in the City of Miles City, Montana**
- **** *Councilperson Erlenbusch moved to approve the Resolution, read by title only and seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4256 passed*
- G. RESOLUTION NO. 4257- A Resolution Approving the Donation of a Courtesy Vehicle to Terry Airport**
- **** *Councilperson Gardner moved to approve the Resolution, read by title only and seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4257 passed*
- H. RESOLUTION NO. 4258- A Resolution Adopting the Custer County and Incorporated Communities of Miles City and Ismay Emergency Operations Plan for the City of Miles City**
- **** *Councilperson Gardner moved to approve the Resolution, read by title only and seconded by Councilperson Andrews. On roll call vote, the motion passed by*

unanimous consent, 6-0. **Resolution No. 4258 passed**

I. Approval of May Claims

****** *Councilperson Galbraith moved to approve the May claims, seconded by Councilperson Erlenbusch and passed unanimously, 6-0.*

ADJOURNMENT

****** *Councilperson Galbraith moved to adjourn the meeting, seconded by Councilperson Erlenbusch and passed unanimously.*

The meeting was adjourned at 7:47 p.m.

John Hollowell, Mayor

Lorrie Pearce, City Clerk

Finance Committee Meeting

June 10, 2019

The Finance Committee met Monday, June 10, 2019 at 6:00 p.m. in the City Hall Conference room. Present were Committee Members Susanne Galbraith, Dwayne Andrews, and Rick Huber. Committee Member Brant Kassner was excused.

Also present were: Airport Manager Jeff Langkau, Building Inspector Dennis Hirsch and Clerk/Recorder Lorrie Pearce.

Chairperson Galbraith called the meeting to order.

1. Request of Citizens and Public Comment:

None

2. Discussion and Recommendation on Resolution No. 4248- A Resolution approving the request for Release of Airport Property

Airport Manager Langkau explained that the airport has been leasing the land to Ben Holman. The airport committee decided to sell the two acres of land for approximately \$2,000 per acre. The land is worthless to the airport and selling it would make access for the residents easier. The selling of the land is contingent to FAA's approval.

*** Chairperson Andrews moved to recommend to Council to approve the Resolution, Committee Member Galbraith seconded the motion. On a Roll Call vote the motion passed, 3-0*

3. Discussion and Recommendation on RESOLUTION NO. 4250- A Resolution Approving a Park Use Permit Between the City of Miles City, Montana, and Miles Community College for use of Bender Park Field #3

*** Committee Member Huber moved to recommend to Council the approval of the Resolution; seconded by Committee Member Andrews.*

The committee as a whole felt that it would be good for the City, the Park and Sports advocates.

*** The motion passed, 3-0*

4. Discussion and Recommendation on RESOLUTION NO. 4251- A Resolution Authorizing the City of Miles City to Contract With Dennis Hirsch for Building Inspection Services for Fiscal Year 2019-2020

*** Committee Member Huber moved to recommend to Council the approval of the Resolution; seconded by Committee Member Galbraith.*

Citizen Adam Forslund, 1909 Stower opposed passing the resolution because he did not like how the inspector was compensated. He felt there should be a division in the process of inspection and approving permits. With the two positions the same, he felt that position is harassing the public for building permits.

*** After a short discussion the motion passed, 3-0.*

5. Discussion and Recommendation on RESOLUTION NO. 4254-A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2018-2019 to Increase the Budgeted Amount in Various Funds for Various Unbudgeted Revenues and Expenditures

*** Committee Member Huber moved to recommend to Council the approval of the Resolution; seconded by Committee Member Andrews.*

Clerk Pearce explained all the amendments and asked for one more to be added which was to increase appropriations for fund 2440-50-430263-230 (Main St Dist) \$2,000

*** The motion passed, 3-0.*

6. Adjournment

***Committee Member Huber moved to adjourn the meeting, seconded by Committee Member Andrews and passed unanimously, 3-0.*

The meeting was adjourned at 6:33 p.m.

Susanne Galbraith, Chairperson

Lorrie Pearce, Recorder

PUBLIC SERVICE COMMITTEE MEETING
June 18, 2019

The Public Service Committee met Tuesday, June 18, 2019 at 5:45 pm in the City Hall Conference Room. 17 S. 8th Street, Miles City, Montana. Present were Committee Members Kathy Wilcox, Dwayne Andrews and John Uden. Committee Member Ken Gardner was excused.

Also present: Councilperson Rick Huber, Councilperson Susanne Galbraith, City Planner in Training Ally Capps, and Minute Recorder Mary Roberts.

1. Request of Citizens/Public Comment:

-None-

2. Committee Member Comments:

-None-

3. Unfinished Business:

-None-

4. New Business:

- **Consider request for placement of animal drinking fountain in Veteran's Park in the 600 block of Main Street.**

- City Planner in Training explained that the idea was from Urban Renewal. She explained that there used to be a drinking fountain in Veteran's Park, and Urban Renewal wanted to see one put back in. This conversation led to adding a dog drinking fountain attached to the water drinking fountain. The cost would be \$3,600, which was ADA accessible, and Urban Renewal is willing to fund it.
- Chairperson Uden read Section 9; Section 4-35 that states that dogs are prohibited in city parks. He also stated that he had previously spoken with the Parks Department about additional maintenance that the dog fountain would add to their duties and the Parks Department was not in favor of the dog fountain.
- Mark Ahner, 13 South Stacy Street, informed the committee that the American Legion had already discussed this matter and were opposed to it for a few different reasons which include the lack of dogs in between the Montana Bar and the 600 Café, they did not want to encourage bringing dogs into city parks, and believed that if a dog water fountain is present then a dog waste container should also be present increasing cost to the City. The opinion of the American Legion is that the \$3,600 could be used to renovate Cook Lake or add more historic lighting to Miles City.

- Cliff Sisko, 120 South Jordan Avenue, stated that the VFW had a meeting earlier that day and they are on board with everything Mark Ahner had stated.

***Committee Member Wilcox moved to table. On a roll-call vote, the Motion passed unanimously 3-0.*

5. Adjournment: 6:00 pm

***Committee Member Wilcox moved to adjourn, seconded by Committee Member Andrews, motion passed unanimously 3-0.*

John Uden, Chairperson

Mary Roberts, Recorder

Human Resources Committee
June 6, 2019

The **Human Resources Committee** met Thursday, June 6, 2019, at 5:30 p.m. in the Conference Room at City Hall. Present were Committee Members Kathy Wilcox, John Uden, and Jeff Erlenbusch. Excused was Committee Member Susanne Galbraith. Also present were City Planner-in-Training Ally Capps, Mayor John Hollowell, Public Utilities Director Tom Speelmon, and Human Resources Officer/Recorder Linda Wilkins.

Committee Member Kathy Wilcox called the meeting to order.

1. Request of Citizens
None

2. City Planner-in-Training Job Description – Review, Revise, Approve

Preliminary changes were discussed to the position description. Officer Wilkins will mark-up the current position description with suggestions and bring back to the next Human Resources Committee meeting for further consideration.

***Committee Member Uden moved to continue until the position description is rewritten with changes, seconded by Committee Member Erlenbusch. The motion passed unanimously 3-0.*

3. Review of Temporary Assignment of Historic Preservation/Urban Renewal Duties to the Planner-in-Training

Planner-in-Training Capps outlined the projects that she was currently working on. Chairperson Wilcox asked if she thought that the combined duties were too much. Planner-in-Training Capps commented that she was busy, but there were currently no problems. She will continue on a trial basis and report back at the next scheduled Committee meeting. Committee Member Erlenbusch commented that this is the first time he has seen planning working with the Chamber and MAEDC.

4. Other

None

5. Adjournment

***Committee Member Erlenbusch moved to adjourn, seconded by Committee Member Uden. The motion passed unanimously 3-0.*

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Committee Chairperson Kathy Wilcox

Recorder Linda Wilkins

Public Hearing
&
Unfinished Business

ORDINANCE NO. 1335

AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES OF MILES CITY, MONTANA, WITH REGARDS TO THE ENFORCEMENT OF NUISANCES.

BE IT ORDAINED, by the City Council of the City of Miles City, Montana, as follows:

Section 1. Section 15-14 shall be amended to read as follows:

Section 15-14. Enforcement procedure and penalty; prosecution in the city court, hearing before city council. The prohibitions in this chapter shall be enforced through appropriate criminal prosecution in the city court as set forth herein; however, at the election of either the code enforcement officer or police officer investigating said matter, or at the election of the mayor, enforcement may proceed as a civil violation before the city council.

(a) Violation of Chapter to be treated as a misdemeanor, and enforced as follows:

- i. If the code enforcement officer or police officer, in the officer's reasonable discretion, determines that the alleged public nuisance presents an emergency, then the officer shall issue a citation and may take immediate action to abate the public nuisance. In such circumstances, the officer shall have the authority to contact city employees and to request their assistance in abating the nuisance.
- ii. If the code enforcement officer or police officer, in the officer's reasonable discretion, determines that the alleged public nuisance is not an emergency, then the officer shall provide a written notice to the owner and occupant, if any, advising the owner and occupant of the complaint and requesting that the alleged public nuisance be abated within a period of not more than ten days. The officer shall re-inspect at the end of the ten day period. If the owner or occupant has not abated the alleged public nuisance within the time required by the notice, then the officer shall issue a citation and take those actions reasonably necessary to abate the alleged public nuisance, or, the officer or the mayor may refer the matter for hearing before the city council pursuant to part (b) of this section.
- iii. Notice to the owner of the property or, if the owner is not the occupant of the property, then notice to the occupant of the property shall be given by one of the following methods, and such notice shall be deemed to have been given upon completion of any of the following:
 - a. personal service; or
 - b. certified mail, return receipt requested, addressed to the occupant at the physical address of the property; or
 - c. by posting notice in a conspicuous place upon the property.
- iv. Notice to the owner, if the officer is able to determine that the occupant is not the owner of the property, shall be given by certified mail, return receipt requested, addressed to the owner or owners as named in the most current assessment list for the parcel of property at the address set forth in such assessment list, and shall be

deemed complete upon such mailing. Confirmation of actual notice to the owner, if the owner is not the occupant, shall not be required in order to proceed with enforcement of this chapter as to the occupant, however, cost of abatement may not be assessed to the property owner's taxes if notice was not provided to the property owner as set forth herein.

- v. Violation of this chapter shall be a misdemeanor, and shall be punishable by a fine not to exceed \$500.00 and not more than 6 months in jail. The city court may further order that the violations be abated at the direction of the public works director, and that all costs associated with such abatement be assessed against the property as a special assessment.
- (b) Enforcement as civil violation before the city council, at the election of the investigating officer or the mayor, may be enforced as follows:
- i. The notice provisions set forth in (a)(i)-(iv) shall be followed. After notice has been given, however, the officer shall request that the city clerk set a hearing on the matter before the city council.
 - ii. Upon receipt of notice from the code enforcement officer or police officer, the city clerk shall set a date and time for a hearing on the matter before the city council, and send notice to the occupant, as well as to the owner if not the occupant, by certified mail, return receipt requested.
 - iii. At the time fixed on the notice, the city council shall proceed to hear the testimony of the city personnel and the testimony of any other interested party who may be present and desire to testify respecting the condition of the property or thing, the estimated cost of abatement, or other appropriate action.
 - iv. Upon the conclusion of the hearing, the city council shall by resolution, declare its findings and in the event it so concludes, it may declare the property or thing to be a nuisance and direct the owner to obtain the proper permits and physically commence abatement of the nuisance within ten (10) days, and to complete said abatement within thirty (30) days by having the property repaired, demolished, removed or other appropriate act necessary to cure the nuisance.
 - v. Such resolution shall further notify the owner of the property that if the nuisance is not abated, the property will be the subject of repair, demolition, removal, or other appropriate act, as the case may be, by the city and the expenses thereof shall remain a lien on the property.
 - vi. In the event the owner does not commence the abatement of the nuisance located on the real property within ten (10) days prescribed, the violations shall be abated at the direction of the public works director, and that all costs associated with such abatement be assessed against the property as a special assessment.
 - vii. Assessment as a special assessment shall be approved by a resolution of the city council, and delivered to the county treasurer for collection.
 - viii. The city council shall not have the ability to assess fines or impose jail time in matters which proceed before the council.

Section 2. This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this 11th day of June, 2019.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED this 25th day of June, 2019.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

New Business

August 7, 2018

RE: InSite Wireless LLC
Site Name: MT101 Pinball (100' Monopole)
Lots 7 & 8-10, Block 46, Miles City Original Townsite
Section 33, Township 8 North, Range 47 East, P.M.M.
Custer County, Montana

I, Jake K. Ziaka, a Professional Land Surveyor registered and licensed to practice land surveying in the State of Montana, do hereby state that the following Latitude and Longitude values for the center of the above referenced antenna tower are accurate to within +/- 20 feet horizontally and that the following elevation at the base of the antenna tower is accurate to within +/- 3 feet vertically.

Center of Proposed Antenna Tower:

Latitude: 46°24'16.36912"N. (NAD83)
Longitude: 105°50'54.34370" W. (NAD83)

Ground Elevation at Base of Proposed Antenna Tower:

Elevation = 2361.6' (NAVD88)

Tower Type: 100' Monopole Tower
Top of Tower Height above Ground: 100.0' +/- 1'
Elevation of Top of Tower: 2461.6' +/- 1'
Height of Highest Appurtenance above Ground: 106.0' +/- 1' (Top of Lightning Rod)
Elevation of Top of Highest Appurtenance: 2467.6' +/- 1' (Top of Lightning Rod)

*Not Valid Unless Seal Contains
Signature of Professional Land Surveyor*



Date: 8/7/2018

Jake Ziaka, P.L.S., CFedS, E.I.
Montana Professional Land Surveyor, License No. 18636

PROJECT INFORMATION:
MT101 PINBALL
 201 S. 7TH ST
 MILES CITY, MT, 59301
 (CLUSTER COUNTY)



PLANS PREPARED FOR:
 1199 N. FAIRFAX STREET, SUITE 700
 ALEXANDRIA, VA 22314

PLANS PREPARED BY:

TOWER ENGINEERING PROFESSIONALS
 500 E BATH AVE, SUITE C-10
 THORNTON, CO 80229
 OFFICE: (303) 986-8914
 www.tepgroup.net

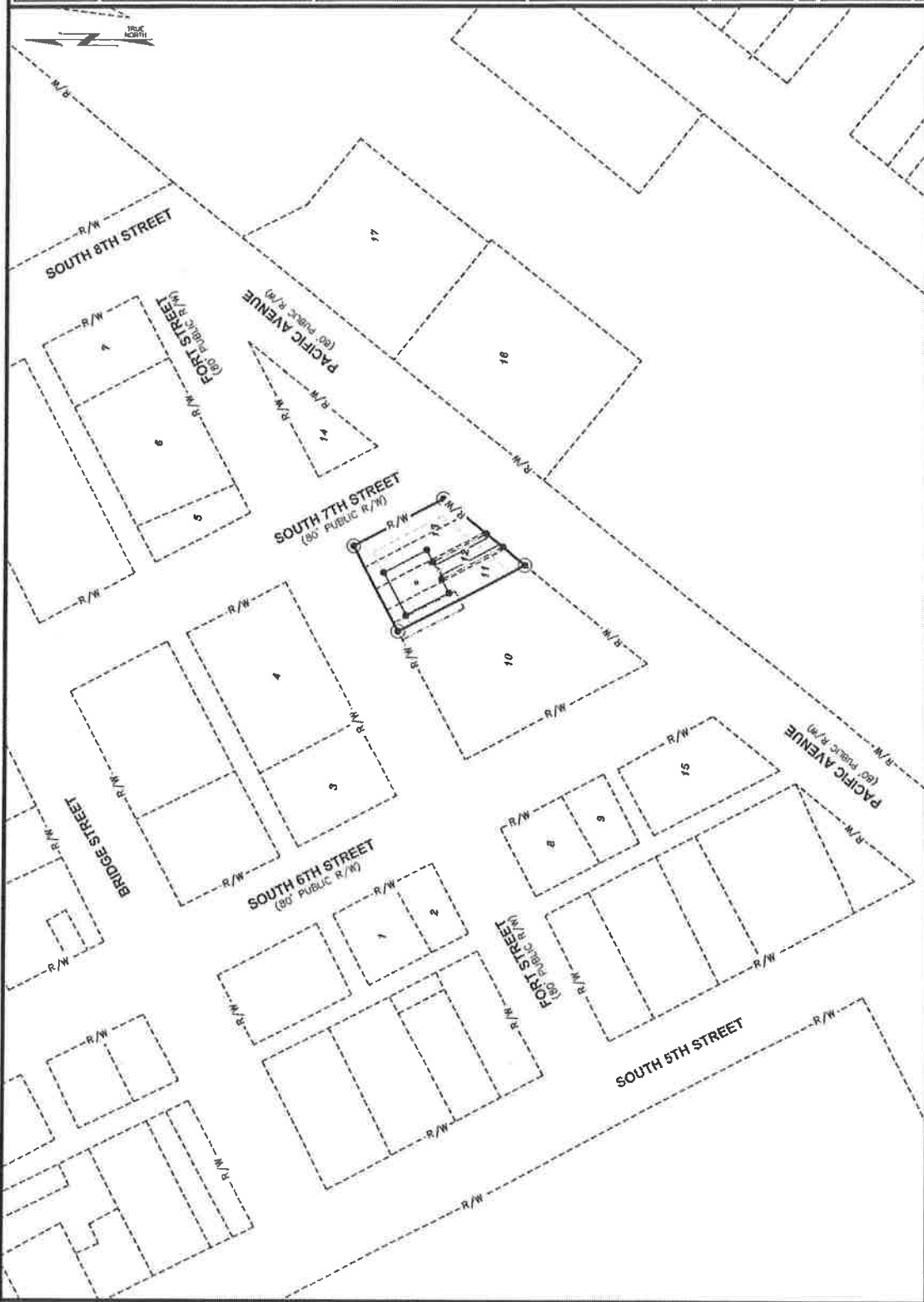
SEAL:

PRELIMINARY
 DO NOT USE FOR
 CONSTRUCTION

6	04-11-19	FINAL ZONING
5	03-25-19	FINAL ZONING
4	02-19-19	FINAL ZONING
3	01-04-19	FINAL ZONING
REV	DATE	ISSUED FOR:
DRAWN BY: KES		CHECKED BY: ARB

SHEET TITLE:
VICINITY MAP

SHEET NUMBER: **M-1**
 REVISION: **6**
 TEP#: 144349



VICINITY MAP
 SCALE: 1" = 100'

PROJECT INFORMATION:

MT101 PINBALL

201 S. 7TH ST
MILESDALE, MT 59301
(CUSTER COUNTY)

PLANS PREPARED FOR:



1199 N. FAIRFAX STREET, SUITE 700
ALEXANDRIA, VA 22314

PLANS PREPARED BY:



TOWER ENGINEERING PROFESSIONALS
305 SOUTH WASHINGTON
HARRISBURG, PA 17102
OFFICE: (717) 566-8874
www.towerpa.net

SEAL:



6	04-11-19	FINAL ZONING
5	03-28-19	FINAL ZONING
4	02-19-19	FINAL ZONING
3	01-04-19	FINAL ZONING
REV	DATE	ISSUED FOR:

DRAWN BY: RES CHECKED BY: AMB

SHEET TITLE:

PROPERTY INFO

SHEET NUMBER: **M-2** REVISION: **6**
EP#: 1443945

PROPERTY INFORMATION

NO.	GEOCODE	N/P PROPERTY OWNER	PROPERTY ADDRESS	USE
1	14-1740-33-1-18-03-0000	EASTERN MONTANA INDUSTRIES	11 S 6TH ST MILESDALE, MT 59301	COMMERCIAL
2	14-1740-33-1-04-02-0000	JAMES & MICHELLE SIMPSON	FORT STREET MILESDALE, MT 59301	COMMERCIAL
3	14-1740-33-1-05-01-0000	DIANE & KARLA DUFFY	608 FORT ST MILESDALE, MT 59301	COMMERCIAL
4	14-1740-33-1-05-03-0000	C/VL PROPERTY LLC	115 S 7TH ST MILESDALE, MT 59301	COMMERCIAL
5	14-1740-33-1-06-01-0000	ROBERT ZIGVEGO	FORT STREET MILESDALE, MT 59301	COMMERCIAL
6	14-1740-33-1-06-03-0000	DELUXE MOTORS INC	711 FORT ST MILESDALE, MT 59301	COMMERCIAL
7	14-1740-33-1-06-04-0000	ROBERT ZIGVEGO	FORT STREET MILESDALE, MT 59301	COMMERCIAL
8	14-1740-33-1-07-03-0000	ALAN & COLLEEN SCHOCK	201 S 6TH ST MILESDALE, MT 59301	COMMERCIAL
9	14-1740-33-1-07-02-0000	DIANE MARTIN	201 S 6TH ST MILESDALE, MT 59301	COMMERCIAL
10	14-1740-33-1-08-01-0000	VIEW PLUS LLC	608 PACIFIC AVE MILESDALE, MT 59301	COMMERCIAL
11	14-1740-33-1-08-03-0000	VIEW PLUS LLC	613 PACIFIC AVE MILESDALE, MT 59301	COMMERCIAL
12	14-1740-33-1-08-04-0000	DELUXE MOTORS INC	PACIFIC AVE MILESDALE, MT 59301	COMMERCIAL
13	14-1740-33-1-08-05-0000	DELUXE MOTORS INC	201 S 7TH ST MILESDALE, MT 59301	COMMERCIAL
14	14-1740-33-1-01-01-0000	LINDA ADAMS	201 S 7TH ST MILESDALE, MT 59301	COMMERCIAL
15	14-1740-33-1-07-01-0000	ALLEN WYNLEY	215 S 6TH ST MILESDALE, MT 59301	COMMERCIAL
16	14-1740-33-1-03-03-0000	JAMES & MICHELLE SIMPSON	702 PACIFIC AVE MILESDALE, MT 59301	COMMERCIAL
17	17-1740-33-1-04-04-0000	DELUXE MOTORS INC	PACIFIC AVE MILESDALE, MT 59301	COMMERCIAL

PROJECT INFORMATION:
MT101 PINBALL
 201 S. 7TH ST
 MILES CITY, MT, 59301
 (CUSTER COUNTY)

PLANS PREPARED FOR:

 1199 N. FAIRFAX STREET, SUITE 700
 ALEXANDRIA, VA 22314

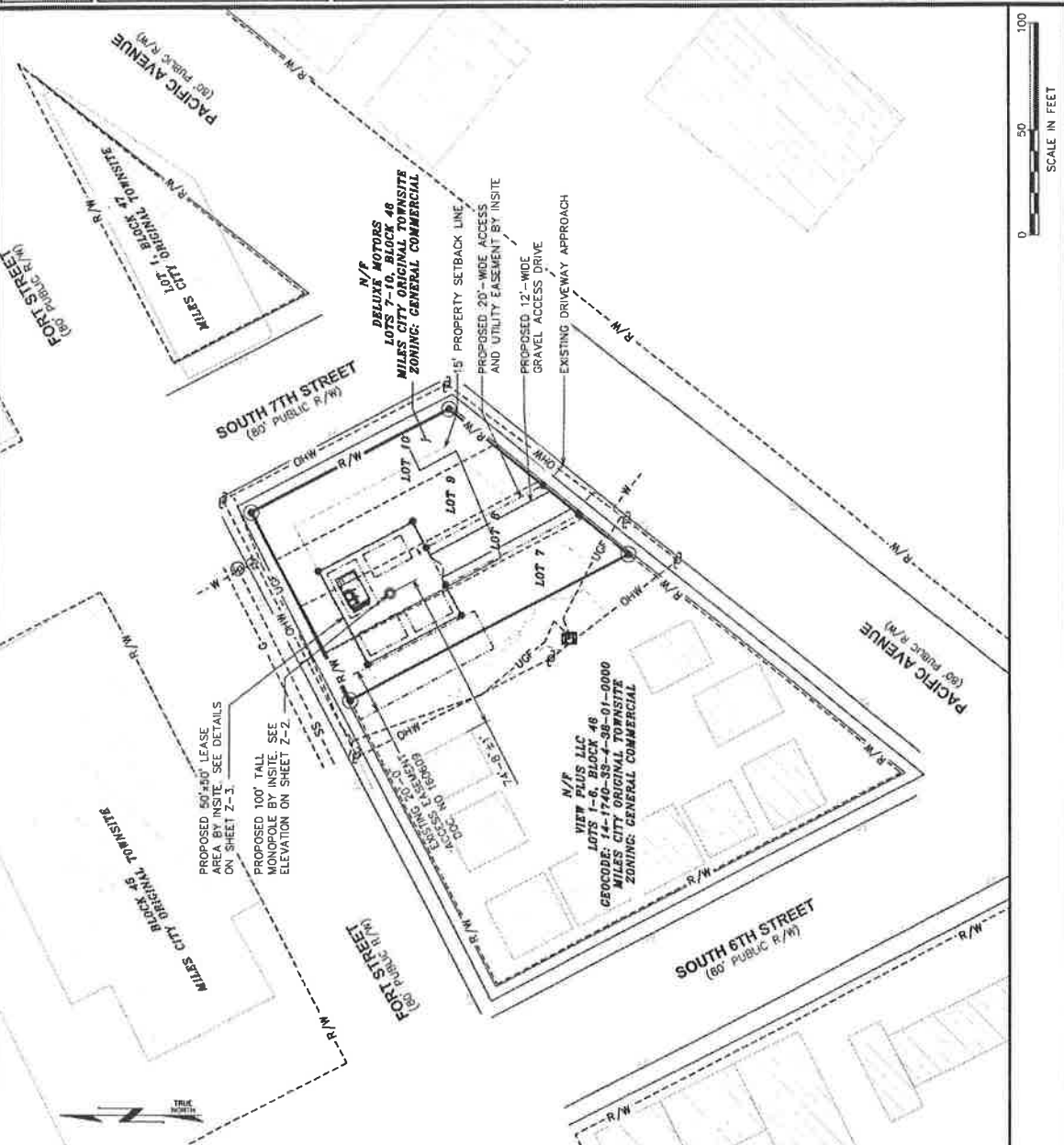
PLANS PREPARED BY:

TOWER ENGINEERING PROFESSIONALS
 500 E BATHAVE, SUITE C-10
 THORNTON, CO 80229
 OFFICE (303) 966-8914
 www.tepgroup.com

SEAL


6	04-11-19	FINAL ZONING
5	03-28-19	FINAL ZONING
4	02-19-19	FINAL ZONING
3	01-04-19	FINAL ZONING
REV	DATE	ISSUED FOR:
DRAWN BY: KES		CHECKED BY: ANB

SHEET TITLE:
SITE PLAN
 SHEET NUMBER: **Z-1**
 REVISION: **6**
 TEP #: 144549



LEGEND

	PARENT PROPERTY LINE
	ADJACENT PROPERTY LINE
	PROPERTY CORNER
	LEASE/EASEMENT CORNER
	SPOT ELEVATION
	EXIST. CONTOUR LINE
	EDGE OF PAVEMENT
	CHAIN LINK FENCE
	EXISTING TREE LINE
	PROPOSED TREE LINE
	EXIST. UTILITY POLE
	EXIST. TELCO PEDESTAL
	EXIST. TRANSFORMER
	OVERHEAD WIRE
	RIGHT-OF-WAY

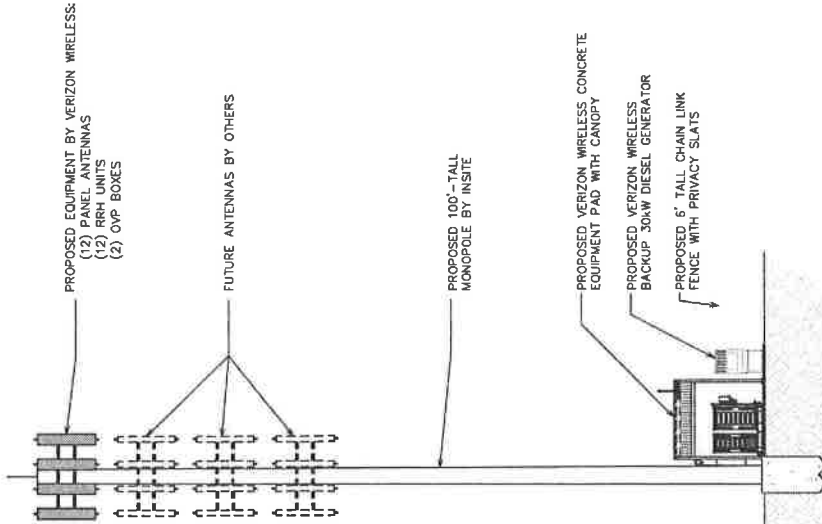
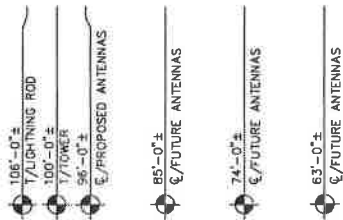
1-A COORDINATES
 LATITUDE: N 46° 24' 16.96912" (NAD 83)
 LONGITUDE: W 105° 50' 54.3437" (NAD 83)
 GROUND ELEVATION: 2361.6' (NAVD 88)

- NOTES:**
- THE BASIS OF THE MERIDIANS AND COORDINATES FOR THIS PLAT IS THE MONTANA COORDINATE SYSTEM 1983, NORTH AMERICAN DATUM 1983 (MTSPCS, (NAD 83)).
 - VERTICAL INFORMATION SHOWN, BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) IN FEET.
 - ALL DISTANCES ARE GROUND UNLESS OTHERWISE NOTED.
 - THE PROPOSED TOWER IS LOCATED IN THE ZONE X AREA. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN (FEMA FLOOD MAP 30017C0663D EFFECTIVE JULY 17, 2010).
 - LANDLORD TO CLEAR EXISTING LEASE AREA BEFORE CONSTRUCTION.

SITE PLAN
 SCALE: 1" = 50'

TOWER NOTES:

1. PROPOSED CABLES TO BE MOUNTED INSIDE TOWER USING HOISTING GRIPS (PROVIDED BY TOWER MANUFACTURER).
2. LIGHTNING ROD TO BE PROVIDED BY TOWER MANUFACTURER.
3. TOWER SHALL BE ILLUMINATED ONLY AS REQUIRED BY THE FEDERAL COMMUNICATIONS COMMISSION (FCC), THE FEDERAL AVIATION ADMINISTRATION (FAA), OR OTHER STATE OR FEDERAL AGENCY OF COMPETENT JURISDICTION.



TOWER ELEVATION

SCALE: 1/8" = 1'-0"



PROJECT INFORMATION:

MT101 PINBALL
201 S. 7TH ST
MILLS CITY, MT 59301
(GUSTER COUNTY)

PLANS PREPARED FOR:



1199 N. FAIRFAX STREET, SUITE 700
ALEXANDRIA, VA 22314

PLANS PREPARED BY:



TOWER ENGINEERING PROFESSIONALS
3050 LANTANA SUITE 200
FARMINGTON CO 82401
OFFICE: (303) 566-8814
www.tppgroup.net

SEAL



REV	DATE	ISSUED FOR:
6	04-11-19	FINAL ZONING
5	03-28-19	FINAL ZONING
4	02-19-19	FINAL ZONING
3	01-04-19	FINAL ZONING

DRAWN BY: RES CHECKED BY: ARS
SHEET TITLE:

TOWER ELEVATION

SHEET NUMBER:	6
REVISION:	
TEP #:	144343

PROJECT INFORMATION:
MT101 PINBALL
 201 S. 7TH ST
 MILES CITY, MT, 59301
 (GUSTER COUNTY)

PLANS PREPARED FOR:

InSite
 WIRELESS GROUP
 1199 N. FAIRFAX STREET, SUITE 700
 ALEXANDRIA, VA 22314

PLANS PREPARED BY:

TOWER ENGINEERING PROFESSIONALS
 505 BRITAIN SUITE C-10
 10000 W. 10TH AVE
 OFFICE: 303.555.8388
 www.towerpa.com

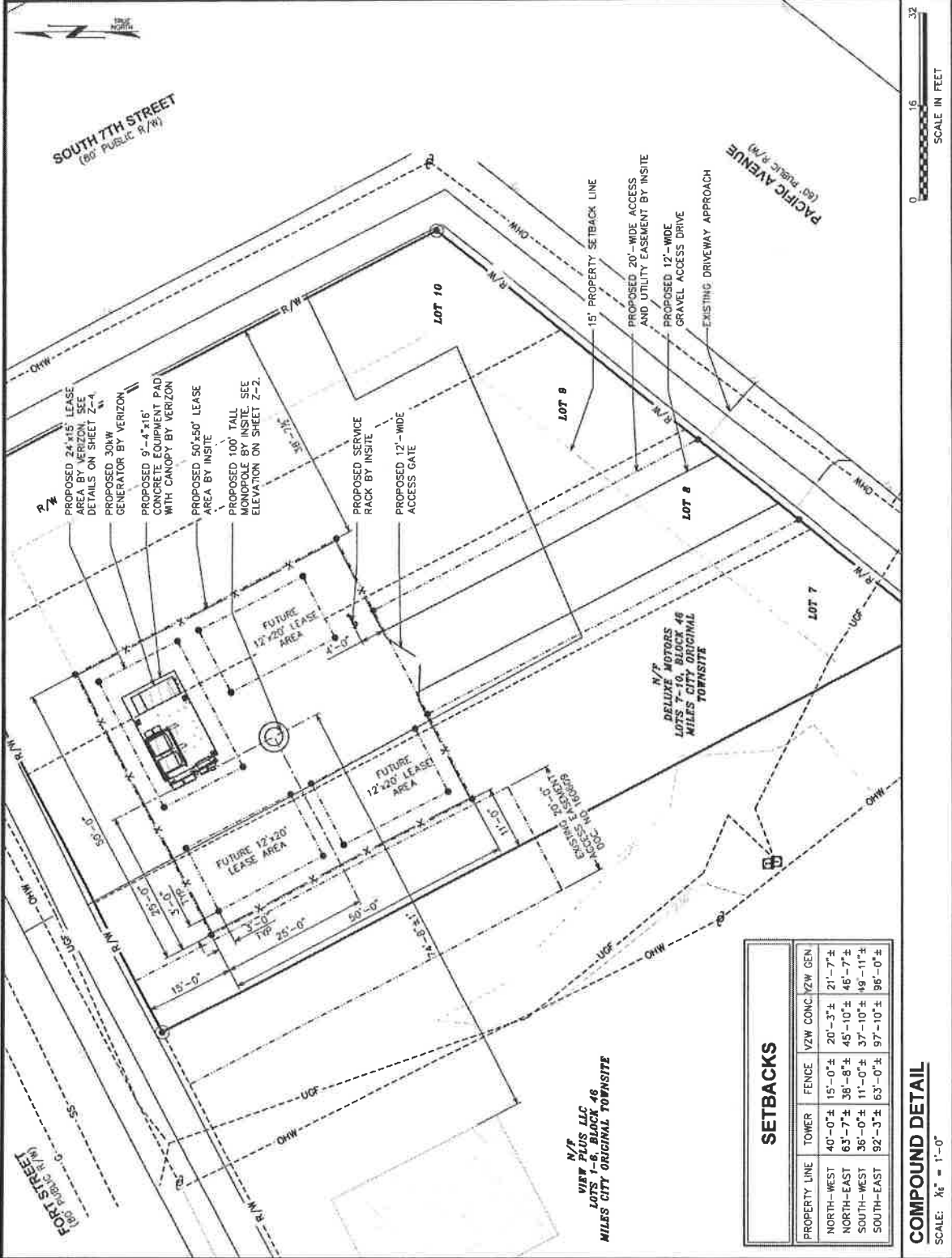
SEAL

PRELIMINARY
 DO NOT USE FOR
 CONSTRUCTION

6	04-11-19	FINAL ZONING
5	03-26-19	FINAL ZONING
4	02-19-19	FINAL ZONING
3	01-04-19	FINAL ZONING
REV	DATE	ISSUED FOR:

DRAWN BY: KES CHECKED BY: ARS

SHEET TITLE:
**COMPOUND
 DETAIL**
 SHEET NUMBER: **Z-3** REVISION: **6**
 TEP#: 144349



SETBACKS

PROPERTY LINE	TOWER	FENCE	V2W CONC.	V2W GEN
NORTH-WEST	40'-0"±	15'-0"±	20'-3"±	21'-7"±
NORTH-EAST	63'-7"±	36'-8"±	45'-10"±	46'-7"±
SOUTH-WEST	36'-0"±	11'-0"±	37'-10"±	49'-11"±
SOUTH-EAST	92'-3"±	63'-0"±	97'-10"±	96'-0"±

COMPOUND DETAIL
 SCALE: 1/8" = 1'-0"

PROJECT INFORMATION:
MT101 PINBALL
 201 S. 7TH ST
 MILES CITY, MT, 59301
 (CLUSTER COUNTY)



PLANS PREPARED FOR:
 1199 N. FAIRFAX STREET, SUITE 700
 ALEXANDRIA, VA 22314

PLANS PREPARED BY:

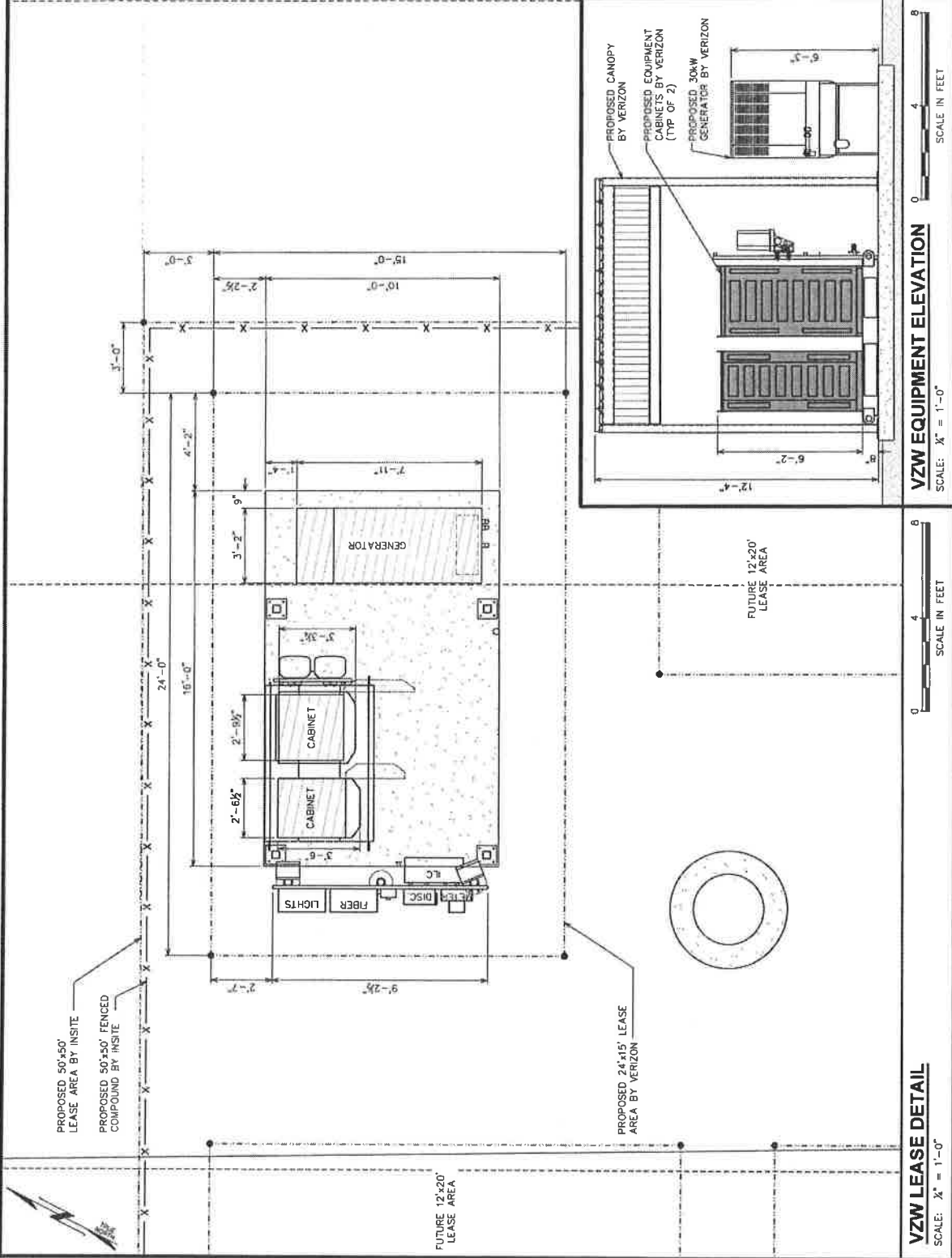
 TOWER ENGINEERING PROFESSIONALS
 500 E BIRLA AVE, SUITE C-10
 THORNTON, CO 80228
 OFFICE: (303) 566-9814
 info@towereng.com

SEAL:

6	04-11-19	FINAL ZONING
5	03-28-19	FINAL ZONING
4	02-19-19	FINAL ZONING
3	01-04-19	FINAL ZONING
REV	DATE	ISSUED FOR:
DRAWN BY: KES		CHECKED BY: APS

SHEET TITLE:
VZW LEASE DETAIL

SHEET NUMBER: **6**
 REVISION:
Z-4
 TYPF: 1442449



VZW LEASE DETAIL
 SCALE: X" = 1'-0"

VZW EQUIPMENT ELEVATION
 SCALE: X" = 1'-0"

PROJECT INFORMATION:
MT101 PINBALL
 201 S. 7TH ST
 MILES CITY, MT, 59301
 (CUSTER COUNTY)

PLANS PREPARED FOR:

 1199 N. FAIRFAX STREET, SUITE 700
 ALEXANDRIA, VA 22314

PLANS PREPARED BY:

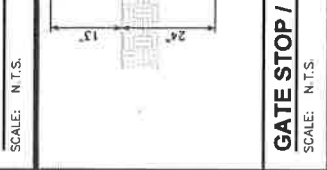
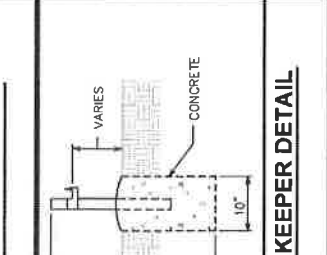
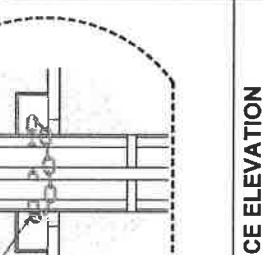
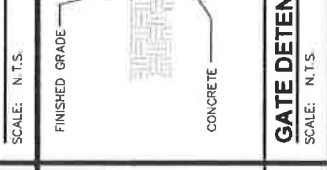
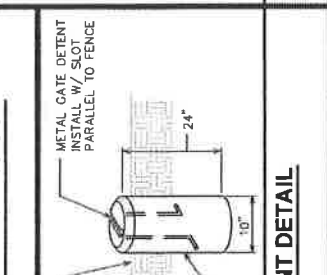
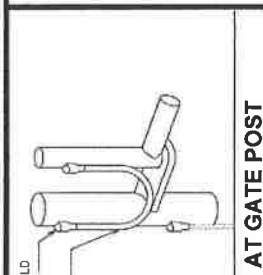
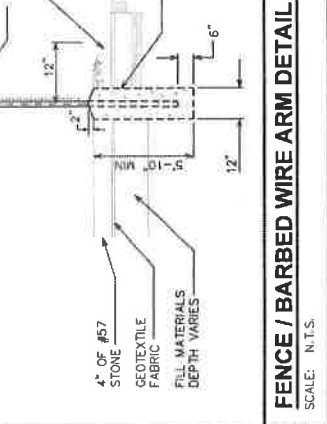
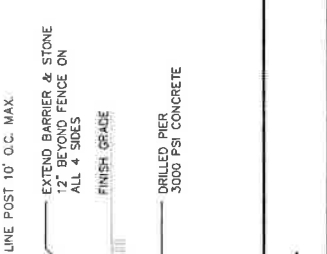
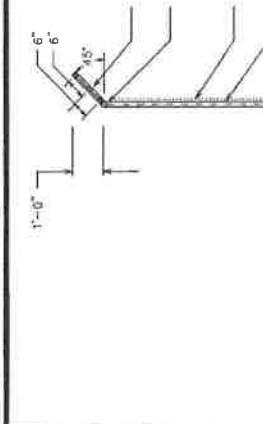
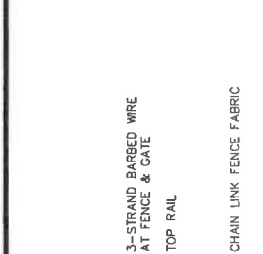
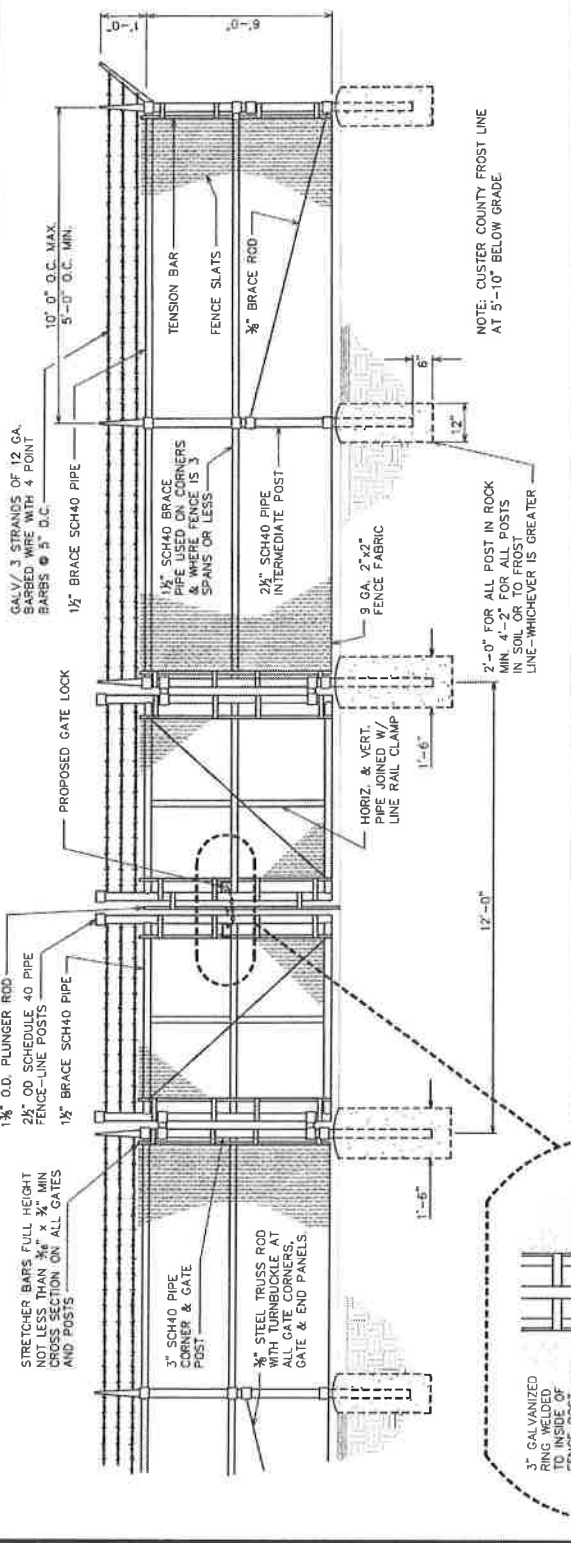
TOWER ENGINEERING PROFESSIONALS
 500 E BIRTHAVE, SUITE C-10
 THORNTON, CO 80229
 OFFICE: (303) 966-9814
 www.tepproject.com

SCALE:


5	06-11-19	FINAL ZONING
4	03-28-19	FINAL ZONING
3	01-04-19	FINAL ZONING
2	01-04-19	ISSUED FOR
1		

DRAWN BY: RES **CHECKED BY:** CIV
SHEET TITLE:
FENCE DETAILS

SHEET NUMBER:
Z-5
REVISION: 6
TEP #: 144349



FENCE / BARBED WIRE ARM DETAIL
 SCALE: N.T.S.

GATE DETENT DETAIL
 SCALE: N.T.S.

GATE STOP / KEEPER DETAIL
 SCALE: N.T.S.

TYPICAL FENCE ELEVATION
 SCALE: N.T.S.

GROUNDING AT GATE POST
 SCALE: N.T.S.

FENCE / BARBED WIRE ARM DETAIL
 SCALE: N.T.S.

GENERAL NOTES:

1. ALL REFERENCES TO OWNER IN THESE DOCUMENTS SHALL BE CONSIDERED INSITE WIRELESS GROUP OR ITS AFFILIATES OR DESIGNATED REPRESENTATIVE.
2. ALL WORK PRESENTED ON THESE DRAWINGS MUST BE COMPLETED BY THE CONTRACTOR UNLESS NOTED OTHERWISE. THE CONTRACTOR MUST HAVE CONSIDERABLE EXPERIENCE IN PERFORMANCE OF WORK SIMILAR TO THAT DESCRIBED HEREIN. BY ACCEPTANCE OF THIS ASSIGNMENT, THE CONTRACTOR IS ATTESTING THAT HE DOES HAVE SUFFICIENT EXPERIENCE AND ABILITY, THAT HE IS KNOWLEDGABLE OF THE WORK TO BE PERFORMED AND THAT HE IS PROPERLY LICENSED AND PROPERLY REGISTERED TO DO THIS WORK IN THE STATE OF MONTANA.
3. STRUCTURE IS DESIGNED IN ACCORDANCE WITH ANSI/AIA/FEA-222-G, 2005, FOR A 90 MPH 3-SECOND GUST WIND LOAD. THIS CONFORMS TO THE REQUIREMENTS OF THE INTERNATIONAL BUILDING CODE, 2000 EDITION.
4. WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE, 2000 EDITION.
5. UNLESS SHOWN OR NOTED OTHERWISE ON THE CONTRACT DRAWINGS, OR IN THE SPECIFICATIONS, THE FOLLOWING NOTES SHALL APPLY TO THE MATERIALS LISTED HEREIN, AND TO THE PROCEDURES TO BE USED ON THIS PROJECT.
6. ALL HARDWARE ASSEMBLY MANUFACTURER'S INSTRUCTIONS SHALL BE FOLLOWED EXACTLY AND SHALL SUPERSEDE ANY CONFLICTING NOTES ENCLOSED HEREIN.
7. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO DETERMINE ERECTION PROCEDURE AND SEQUENCE TO ENSURE THE SAFETY OF THE STRUCTURE AND ITS COMPONENT PARTS DURING ERECTION AND/OR FIELD MODIFICATIONS. THIS INCLUDES, BUT IS NOT LIMITED TO, THE ADDITION OF TEMPORARY BRACING, GUYS OR TIE DOWNS THAT MAY BE NECESSARY, SUCH MATERIAL SHALL BE REMOVED AND SHALL REMAIN THE PROPERTY OF THE CONTRACTOR AFTER THE COMPLETION OF THE PROJECT.
8. ALL DIMENSIONS, ELEVATIONS, AND EXISTING CONDITIONS SHOWN ON THE DRAWINGS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO BEGINNING ANY MATERIALS ORDERING, FABRICATION OR CONSTRUCTION WORK ON THIS PROJECT. CONTRACTOR SHALL NOT SCALE CONTRACT DRAWINGS IN LIEU OF FIELD VERIFICATIONS. ANY DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE OWNER AND THE OWNER'S ENGINEER. THE DISCREPANCIES MUST BE RESOLVED BEFORE THE CONTRACTOR IS TO PROCEED WITH THE WORK. THE CONTRACT DOCUMENTS DO NOT INDICATE THE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES. OBSERVATION AND VERIFICATION BY THE OWNER AND/OR THE ENGINEER SHALL NOT INCLUDE INSPECTION OF THE PROTECTIVE MEASURES OR THE PROCEDURES.
9. ALL MATERIALS AND EQUIPMENT FURNISHED SHALL BE NEW AND OF GOOD QUALITY, FREE FROM FAULTS AND DEFECTS AND IN CONFORMANCE WITH THE CONTRACT DOCUMENTS. ANY AND ALL SUBSTITUTIONS MUST BE PROPERLY APPROVED AND AUTHORIZED IN WRITING BY THE OWNER AND ENGINEER PRIOR TO INSTALLATION. THE CONTRACTOR SHALL FURNISH SATISFACTORY EVIDENCE AS TO THE KIND AND QUALITY OF THE MATERIALS AND EQUIPMENT BEING SUBSTITUTED.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR INITIATING, MAINTAINING, AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT THIS PROJECT AND RELATED WORK COMPLIES WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL SAFETY CODES AND REGULATIONS GOVERNING THIS WORK.
11. ACCESS TO THE PROPOSED WORK SITE MAY BE RESTRICTED. THE CONTRACTOR SHALL COORDINATE INTENDED CONSTRUCTION ACTIVITY, INCLUDING WORK SCHEDULE AND MATERIALS ACCESS, WITH THE RESIDENT LEASING AGENT FOR APPROVAL.
12. BILL OF MATERIALS AND PART NUMBERS LISTED ON CONSTRUCTION DRAWINGS ARE INTENDED TO AID CONTRACTOR. CONTRACTOR SHALL VERIFY PARTS AND QUANTITIES WITH MANUFACTURER PRIOR TO BIDDING AND/OR ORDERING MATERIALS.
13. ALL PERMITS THAT MUST BE OBTAINED ARE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR WILL BE RESPONSIBLE FOR ABIDING BY ALL CONDITIONS AND REQUIREMENTS OF THE PERMITS.
14. 24 HOURS PRIOR TO THE BEGINNING OF ANY CONSTRUCTION, THE CONTRACTOR MUST NOTIFY THE APPLICABLE JURISDICTIONAL (STATE, COUNTY OR CITY) ENGINEER.
15. THE CONTRACTOR SHALL REMOVED (OR BY SCARIFY, ETC.) ALL MATERIAL NOT SUITABLE FOR SUBGRADE IN ITS PRESENT STATE. AFTER REMOVING IF THE MATERIAL REMAINS UNSUITABLE, THE CONTRACTOR SHALL REWORK THE SUBGRADE TO MEET THE REQUIREMENTS WITH APPROVED MATERIAL. ALL SUBGRADES SHALL BE PROTECTED WITH A FULLY LOADED TANDEM AXLE DUMP TRUCK PRIOR TO PAVING. ANY SOFTER MATERIAL SHALL BE REMOVED OR REPLACED.
16. THE CONTRACTOR IS REQUIRED TO MAINTAIN ALL PIPES, DITCHES, AND OTHER DRAINAGE STRUCTURES FREE FROM OBSTRUCTION UNTIL WORK IS ACCEPTED BY THE OWNER. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGES CAUSED BY FAILURE TO MAINTAIN DRAINAGE STRUCTURE IN OPERABLE CONDITION.
17. ALL MATERIALS AND WORKMANSHIP SHALL BE WARRANTED FOR ONE YEAR FROM ACCEPTANCE DATE.
18. ALL BUILDING DIMENSIONS SHALL BE VERIFIED WITH THE PLANS (LATEST REVISION) PRIOR TO COMMENCING CONSTRUCTION. NOTIFY THE ENGINEER IMMEDIATELY IF ANY DISCREPANCIES ARE DISCOVERED. THE OWNER SHALL HAVE A SET OF APPROVED PLANS AVAILABLE AT THE SITE AT ALL TIMES WHILE WORK IS BEING PERFORMED. A DESIGNATED RESPONSIBLE EMPLOYEE SHALL BE AVAILABLE FOR CONTACT BY GOVERNING AGENCY INSPECTORS.

STRUCTURAL STEEL NOTES:

1. THE FABRICATION AND ERECTION OF STRUCTURAL STEEL SHALL CONFORM TO THE AISC SPECIFICATION FOR MANUAL OF STEEL CONSTRUCTION, 14TH EDITION.
2. UNLESS OTHERWISE NOTED, ALL STRUCTURAL ELEMENTS SHALL CONFORM TO THE FOLLOWING REQUIREMENTS:
 - A. STRUCTURAL STEEL - ASTM DESIGNATION A36 OR A992, GR50.
 - B. ALL BOLTS, ASTM A325 TYPE I GALVANIZED HIGH STRENGTH BOLTS.
 - C. ALL NUTS, ASTM A563 CARBON AND ALLOY STEEL NUTS.
 - D. ALL WASHERS, ASTM F436 HARDENED STEEL WASHERS.
3. ALL CONNECTIONS NOT FULLY DETAILED ON THESE PLANS SHALL BE DETAILED BY THE STEEL FABRICATOR IN ACCORDANCE WITH AISC SPECIFICATION FOR MANUAL OF STEEL CONSTRUCTION, 14TH EDITION.
4. HOLES SHALL NOT BE FLAME CUT THRU STEEL UNLESS APPROVED BY THE ENGINEER.
5. HOT-DIP GALVANIZE ALL ITEMS UNLESS OTHERWISE NOTED, AFTER FABRICATION WHERE PRACTICABLE. GALVANIZING: ASTM A123, ASTM A153/A153M OR ASTM A653/A653M, G90, AS APPLICABLE.
6. REPAIR DAMAGED SURFACES WITH GALVANIZING REPAIR METHOD AND PAINT CONFORMING TO ASTM A790 OR BY APPLICATION OF STICK OR THICK PASTE MATERIAL SPECIFICALLY DESIGNED FOR REPAIR OF GALVANIZING. CLEAN AREAS TO BE REPAIRED AND REMOVE SLAG FROM WELDS. HEAT SURFACES TO WHICH STICK OR PASTE MATERIAL IS APPLIED, WITH A TORCH TO A TEMPERATURE SUFFICIENT TO MELT THE METALLICS IN STICK OR PASTE; SPREAD MOLTEN MATERIAL UNIFORMLY OVER SURFACES TO BE COATED AND WIPE OFF EXCESS MATERIAL.
7. A NUT LOCKING DEVICE SHALL BE INSTALLED ON ALL PROPOSED AND/OR REPLACED BOLTS.
8. ALL PROPOSED AND/OR REPLACED BOLTS SHALL BE OF SUFFICIENT LENGTH TO EXCLUDE THE THREADS FROM THE SHEAR PLANE.
9. ALL PROPOSED AND/OR REPLACED BOLTS SHALL BE OF SUFFICIENT LENGTH SUCH THAT THE END OF THE BOLT BE AT LEAST FLUSH WITH THE FACE OF THE NUT. IT IS NOT PERMITTED FOR THE BOLT END TO BE BELOW THE FACE OF THE NUT AFTER TIGHTENING IS COMPLETED.
10. ALL ASSEMBLY BOLTS ARE TO BE TIGHTENED TO A "SNUG TIGHT" CONDITION AS DEFINED IN SECTION 5.1 OF THE AISC "SPECIFICATION FOR STRUCTURAL JOINTS USING ASTM A325 OR A490 BOLTS", DATED JUNE 30, 2004.
11. FLAT WASHERS ARE TO BE INSTALLED WITH BOLTS OVER SLOTTED HOLES.
12. DO NOT OVER TORQUE ASSEMBLY BOLTS. GALVANIZING ON BOLTS, NUTS, AND STEEL PARTS MAY ACT AS A LUBRICANT; THUS OVER TIGHTENING MAY OCCUR AND MAY CAUSE BOLTS TO CRACK AND SNAP OFF.
13. PAL NUTS ARE TO BE INSTALLED AFTER NUTS ARE TIGHT AND WITH EDGE LIP OUT. PAL NUTS ARE NOT REQUIRED WHEN SELF-LOCKING NUTS ARE PROVIDED.
14. GALVANIZED ASTM A325 BOLTS SHALL NOT BE REUSED.
15. WELDING SHALL BE PERFORMED IN ACCORDANCE WITH AMERICAN WELDING SOCIETY (AWS) D1.1-2010 STRUCTURAL WELDING CODE - STEEL.

PROJECT INFORMATION:

MT101 PINBALL
201 S. 7TH ST
MILES CITY, MT, 59301
(CUSTER COUNTY)

PLANS PREPARED FOR:

InSite
WIRELESS GROUP

1189 N. FAIRFAX STREET, SUITE 700
ALEXANDRIA, VA 22314

PLANS PREPARED BY:



TONY'S ENGINEERING PROFESSIONALS
502 E BIRTH AVE. SUITE C-10
THORNTON, CO 80229
OFFICE: (303) 586-9814
www.tonyeng.com

SEAL:

PRELIMINARY
DO NOT USE FOR
CONSTRUCTION

5	04-11-19	FINAL ZONING
4	03-28-19	FINAL ZONING
3	02-19-19	FINAL ZONING
3	01-04-19	FINAL ZONING
REV	DATE	ISSUED FOR:
DRAWN BY:	RES	CHECKED BY:
SHEET TITLE:		

GENERAL NOTES

SHEET NUMBER: **N-1**

REVISION: **6**

TEP #: 144349

**Miles City Planning
Conditional Use Permit
Staff Report MCCUP-2018-02
Tierney Rowe, InSite Towers Development 2, LLC
Meeting Date: June 11, 2019**

Staff Recommendation: Approve

Conditional Use Permit Description:

This conditional use permit request from Section 24-22 of Miles City's zoning regulations subsection (b). Table II.15 General District Permitted and Conditional Uses (Wireless Communication Facilities).

Background Information:

Tierney Rowe on behalf of InSite Towers Development 2, LLC, has submitted a Conditional Use Permit Application to install a 100' cell tower on an existing lot totaling approximately 0.276 acres / 50'X50' square foot area zoned General Commercial. The property in question is zoned General Commercial where wireless communications facilities are a conditional use.

A. Applicant

Tierney Rowe
1451 Lantern Lane
Draper, Utah 84020

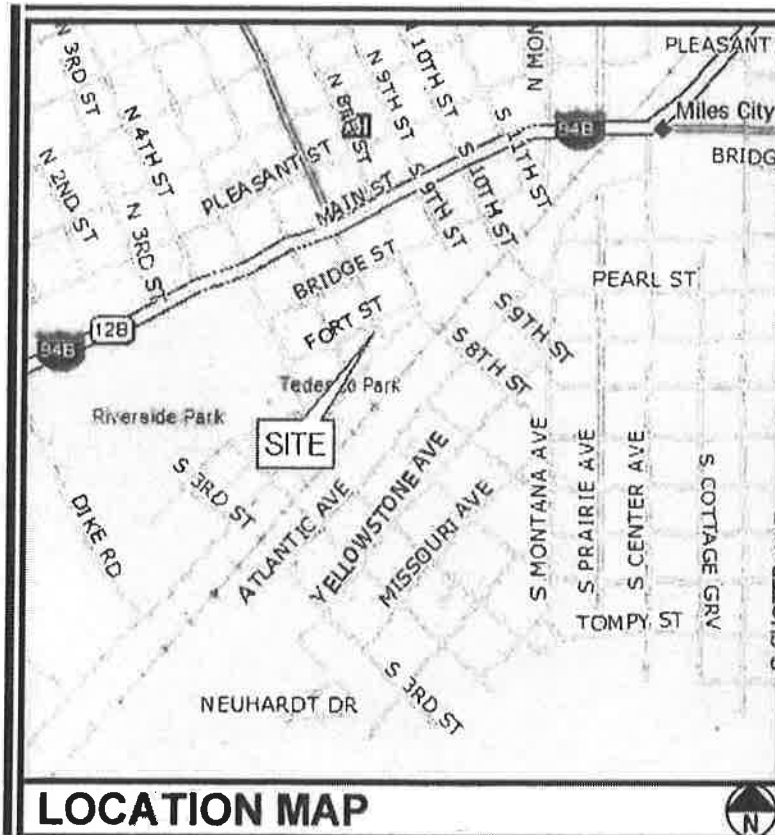
B. Owner

InSite Towers Development 2, LLC
1199 N. Fairfax Street, Suite 700
Alexandria, Virginia 22314

C. Location and Legal Description of Property

The property is located southwest of the intersection of Fort Street and South 7th Street and addressed as 201 S. 7th Street, Miles City, Montana 59301 – see vicinity map below. The legal description of the property is S33, T08 N, R47 E, Block 046, Lot 07-10 of the Miles City Original Townsite, located in Section 33, Township 8 North, Range 47 East, Block 47 E., City of Miles City, Custer County, Montana.

VICINITY MAP



D. Land Use(s) and Zoning

The property is currently vacant lots and zoned General Commercial. The proposed land use is to install a wireless cell tower. Adjacent Zoning and Land Uses are shown below

North: Zoning – General Commercial (Bowling Alley)

East: Zoning – General Commercial (Apartment Rentals)

South: Zoning – General Commercial (Simpsons Honey Farm)

West: Zoning – General Commercial (House Rentals)

E. General Land Use Characteristics

The general land use characteristics of the area can be described as community orientated retail within close proximity to residences and visitors.

Evaluation Criteria

The following is an evaluation of the conditional use permit application in light of the criteria outlined in in section 24-70 of Miles City's Zoning Regulations.

1. **The proposed use complies with the applicable standards and the requirements of the zoning district in which the project is proposed.**

Yes. Wireless communication facilities are considered a conditional use in the General Commercial district, which triggered the need for this Conditional Use Permit application. In terms of the General Commercial district specifications outlined in Table II.16 of Miles City's Zoning Regulations, the proposed use conforms to the district's lot, setback, and height specifications. As a result the proposed use conforms to the General Commercial District's standards. However, the proposed use must also comply with requirements for wireless communication facilities outlined in Section 24-70 of Miles City's zoning regulations. Subsection (e) *General requirements for location and construction of all wireless communication facilities*. Requirements for location and construction shall comply explicitly with City and State of Montana Building Codes including all applicable government laws and regulations.

- 2. The proposed use, including mitigation measures, shall have no more adverse effects on the health, safety, or welfare of persons living or working in the neighborhood, or shall be no more injurious to property or improvements in the neighborhood than would any other permitted or conditional uses in the same district. In making such determination, consideration shall be given to the location, type, height, scale, layout, and the type and extent of landscaping and screening on the site, as well as measures proposed by the applicant to minimize impacts to neighborhood.**

Yes. Setback requirements ensure that the antenna is a safe distance from surrounding structures. The fencing around the structure will minimize the visual impact of the equipment. To reduce visual impact and enhance appeal to neighborhood properties. The addition of landscaping by the owner or authorized representative shall plant a landscape buffer outside of the fence on frontages facing public streets. Landscaping shall include one tree and three shrubs per 40 linear feet on each public street frontage. Landscaping is encouraged to be native and drought tolerant.

There will not be increased lighting on the tower to effect housing near the proposed site. The rail road tracks buffer the zoned Residential A district. The cell tower will be constructed in compliance of all safety codes pertaining to wireless telecommunications facilities.

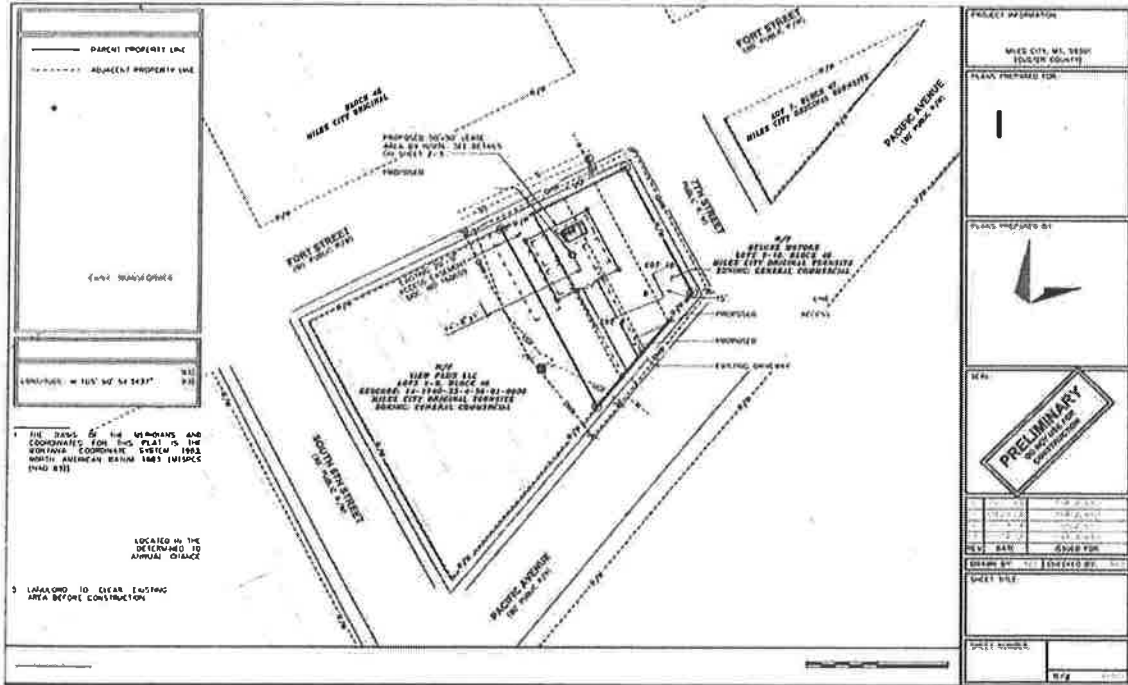
- 3. Adequate facilities and services are, or will be, through the application of these regulations and the adoption of conditions, made available to serve the proposed use including police, fire, parks, sewer, water, streets, motorized and non-motorized transportation, drainage, solid waste, schools and other facilities and services as appropriate;**

Yes. Given that no personnel will be stationed at the wireless facility it is not anticipated to place additional demands on city services such as police, fire and street departments.

- 4. Measures shall be taken as necessary to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.**

Yes. Once constructed access to the site will be limited to maintenance and equipment upgrades. There will not be staffed personal on site except for maintenance.

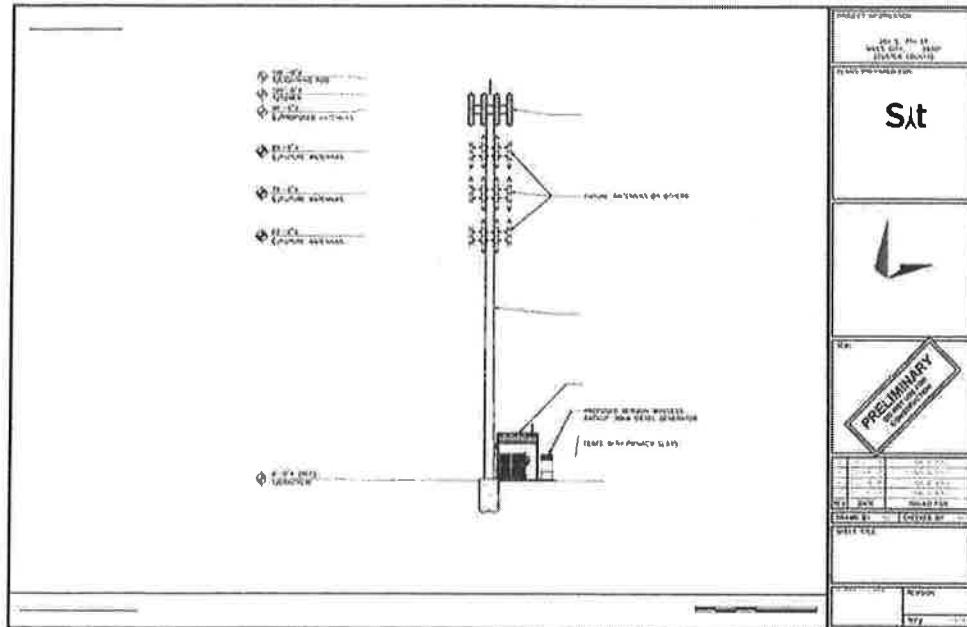
Egress and ingress will be available on South 7th Street, Pacific Avenue and Fort Street.



A map to scale showing the service area of the proposed facility or structure.

5. No use shall be constructed or operated so as to cause excessive noise, vibrations, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare into a residential district. "Excessive" is defined for these purposes as a degree that could be observed by the administrator and city council to be injurious to the public health, safety or welfare.

Yes. The monopole will be galvanized to reduce glare and accumulating heat. Federal Aviation Administration confirmed, marking and lighting are not necessary for the height of the tower.



CONDITIONS

In the event the City Council decides to approve Conditional Use permit Application for the applicant to install Monopole MT 101 Pinball antenna at 201 S. 7th Street, staff recommend the following conditions

1. All site development and use of the property shall be in accordance with the Miles City Zoning Regulations, the approved application and plans, and as discussed in Staff Report MCCUP-2018-02. Any modifications shall require additional review by the City of Miles City.
2. The owner or authorized representative shall obtain a Building Permit prior to start of construction. A permit is required for construction, additions, alterations, repairs, relocation, demolition, change of occupancy, or electrical, gas, mechanical or plumbing system projects.
3. The owner shall maintain and measure the noise level from the facility and provide noise mitigation during operation not to allow excessive noise to nearby residents.
4. Use of landscaping requiring perimeter landscaping to reduce visual impacts to nearby properties. To reduce visual impacts on neighboring properties the owner or authorized representative shall plant a landscape buffer outside of the fence on frontages facing public streets. Landscaping shall include one tree and three shrubs per 40 linear feet on each public street frontage. Landscaping is encouraged to be native and drought tolerant.

This staff report has been prepared by Ally Capps, City Planner for the City of Miles City. I have reviewed the applications for the conditional use permit submitted by Tierney Rowe, on behalf of InSite Tower Development 2, LLC. I have reviewed pertinent city code provisions, zoning maps and other information and applied the same to the conditional use provisions of the City Code. I have prepared this report so that analysis of the conditional use permit criteria as applied to this application can be reviewed by the City Council, and adopted by the Council as finding of fact upon which they base their decision as to the approval or denial of the monopole tower. I recommend that the City Council approve the issuance of a conditional use permit, with conditions, for the

proposed wireless tower as it use complies with the General Commercial district regulations and the regulations outlined in Section 24-70 of Miles City's Code of Ordinances - Antennae, Antenna Support Structures and Wireless Communications Facilities.

RESOLUTION NO. 4259

A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO AN AGREEMENT WITH THE MONTANA DEPARTMENT OF TRANSPORTATION FOR STREET SWEEPING FOR FISCAL YEAR 2019--2020.

WHEREAS, pursuant to Section 60-2-204 MCA the City of Miles City has negotiated an agreement with the Montana Department of Transportation for the City of Miles City to provide street sweeping and flushing services upon specific sections of state highway within or abutting the City of Miles City, a copy of which is attached hereto as Exhibit "A";

AND WHEREAS, the City Council of the City of Miles City finds that it is in the best interest of the City of Miles City to enter into such agreement with the Montana Department of Transportation;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

I. The Agreement for the provision of street sweeping and flushing service between the City of Miles City, Montana and the Montana Department of Transportation, attached hereto as Exhibit "A", and made a part hereof, is hereby approved and adopted by the Council.

2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Agreement on behalf of the City of Miles City and to bind the City of Miles City thereto.

3. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as are necessary to carry out the terms of said Agreement and to bind the City of Miles City thereto.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 25TH DAY OF JUNE, 2019.

ATTEST: Lorrie Pearce, City Clerk

John Hollowell, Mayor

Exhibit A

Montana Department of Transportation
Miles City Maintenance Division
217 North Fourth Street
Miles City, Montana 59301

Street Sweeping Agreement

This agreement is between the City of Miles City and the Montana Department of Transportation (MDT) for defining street sweeping and flushing responsibilities of the City and MDT in accordance with state law which allows MDT to enter into an agreement with local governments to provide maintenance of State routes with provision for full reimbursement. The term of this agreement shall be for one year beginning July 1, 2019.

LIMITS OF AGREEMENT: The listing of streets and intersections identified under items covered is a full and complete listing of areas covered by this agreement. Unless otherwise defined, that list includes all intersections along the route and intersecting streets for a distance of 15' or to the end of the curb radius return, whichever is greater, and shall include all of the street right of way. During the term of this Agreement, additional areas may be added by written Agreement of the parties.

SCOPE OF AGREEMENT: This agreement covers all activities ordinarily associated with street sweeping and flushing activities.

ITEMS COVERED: Payment to the City for this Agreement shall be for the following:

STREET CLEANING ACTIVITIES:

The City will flush the streets identified below once per week and sweep and clean the streets identified below once every other week, unless otherwise noted. This will begin July 1, 2019 through October 15, 2019 and begin again on April 15, 2020 through June 30, 2020, approximately six months.

- a. Main Street beginning at the westernmost end of the Tongue River bridges proceeding east to the intersection of Main Street and Haynes Avenue.
 - b. North Seventh Street beginning 15' south of the intersection of North Seventh Street and Main Street and proceeding North to the old Milwaukee Railroad tracks.
 - c. Haynes Avenue beginning at the intersection with East Main Street and proceeding south to the south side of the entrance to the Comfort Inn, south of the Broadus Interchange. *The City of Miles City will sweep and flush every 3rd week of the month.
 - d. The Montana Department of Transportation will assist in sweeping activities when excessive sand or leaves have been deposited on the designated state routes.
- If additional sweeping or flushing is requested by the Montana Department of Transportation, and approved by the Maintenance Chief, the agreed rate will be \$55.00 per hour for sweeping and \$32.00 per hour for flushing.

MONTANA PRODUCT PREFERENCE: The City will provide Montana-made goods where those goods are comparable in price and quality to those required by this Agreement pursuant to Section 18-1-112(1), MCA.

COSTS / PAYMENT: The costs associated with this Agreement shall be \$1800.00 per month for a period of six months beginning July 1, 2019 and ending June 30, 2020. This will be a lump sum cost for the activity described, and shall be paid to the City on an annual basis.

The City shall submit billing and a narrative summary of the work done in the period of this Agreement on or before June 10, 2019. MDT agrees to make payment within 20 calendar days of receipt of the billing.

RECORDS: The labor, equipment and materials used on the streets covered in this Agreement shall be assigned a special budget category by the City. No record keeping shall be attempted to break contractual costs against individual streets that are covered in this Agreement. All City records concerning this project are open for review and/or audit by representatives of MDT or the Legislative Auditor at any reasonable time.

TERMINATION: This Agreement may be terminated upon thirty days written notice, delivered by certified mail, return receipt requested, by either party. Upon service of such notice, MDT is liable only for actual work completed as of the date of the notice.

HOLD HARMLESS / INDEMNIFICATION: MDT agrees to hold harmless and/or indemnify the City for damages resulting from the construction or design done by MDT of the streets and areas covered by this Agreement. This holds harmless / indemnification clause shall not cover damages, which are caused whether directly or indirectly by the work done by the City pursuant to this Agreement. The City agrees to defend, protect, indemnify and save harmless MDT and the State against and from all claims, liabilities, demands, causes of action, judgments, and losses claimed to be due to the City's performance of the activities of this Agreement.

CIVIL RIGHTS COMPLIANCE: The City must comply with all applicable Federal and State laws including, but not limited to, prevailing wage laws and those laws referred to in the two-page NOTICE attached hereto, which is made a part of this Agreement by its reference.

LAW AND VENUE: The laws of Montana govern This Agreement. The parties agree that, in the event of any dispute concerning this Agreement, any litigation will be adjudicated utilizing the appropriate, established legal/judicial systems.

ENTIRE AGREEMENT: This document, with the attached Notice, contains the entire Agreement between the parties, and no statements, promises or inducements made by either party or its agents which in any way modifies, alters or changes the contents of the document is binding. Any subsequent modification must be done by a separate written document.

IN WITNESS THEREOF, the parties hereto caused this Agreement to be executed in duplicate by their duly authorized officers.

**STATE OF MONTANA
DEPARTMENT OF TRANSPORTATION**

By: _____ Date _____
District Administrator

CITY OF MILES CITY

By: _____ Date _____

Title: _____

Attest: _____

Enclosures

Notice Approved for Legal Content per the attached signature page of the original Agreement.